

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

-----  
UNITED STATES OF AMERICA, )  
v. )  
DAVID ALCORN, AGHEE WILLIAM ) Case No. 2:19-cr-47  
SMITH II, THOMAS L. BARNETT, )  
and NORMA JEAN COFFIN, )  
Defendants. )  
-----

VIDEOTAPED DEPOSITION OF SHARYON BEAN  
FRIDAY, NOVEMBER 5, 2021,

BEHMKE REPORTING AND VIDEO SERVICES, INC.

BY: HECTOR CONTRERAS, CSR NO. 14051

455 MARKET STREET, SUITE 970

SAN FRANCISCO, CA 94105

(415) 597-5600

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8 Videotaped Deposition of Sharyon Bean, taken on  
9 behalf of the United States of America, at 501 I Street,  
10 Sacramento, CA 95814, commencing at 1:21 p.m., Friday,  
11 November 5, 2021, before Hector Contreras, Certified  
12 Shorthand Reporter No. 14051, pursuant to notice of  
13 Videotaped Deposition.  
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DEFENDANTS' EXHIBITS

SHARYON BEAN

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1 THE VIDEOGRAPHER: Here begins Media Number One in  
2 the deposition of Sharyon Bean in the matter of the United  
3 States of America v. David Alcorn, Aghee William Smith II,  
4 Thomas L. Barnett, and Norma Jean Coffin. This is venued in  
5 the United States District Court for the Eastern District of  
6 Virginia, Norfolk Division, Case Number 2:19-cr-47. Today's  
7 date is November 5th, 2021. The time is approximately  
8 1:23 p.m.

9 Name is Jason Butko contracted by Behmke Court  
10 Reporting and Video Services located 455 Market Street in  
11 San Francisco, California. This deposition is being taken  
12 at the U.S. Attorney's Office at 501 I Street in Sacramento,  
13 California.

14 Counsel, can you, please, identify yourself and who  
15 you represent starting with the questioning attorney.

16 MS. YUSI: My name is Elizabeth Yusi. I'm an  
17 assistant U.S. attorney, and I represent the United States.  
18 And I have Melissa O'Boyle and Andrew Bosse, both assistant  
19 U.S. attorneys remotely that are, also, representing the  
20 United States.

21 MR. GRINDROD: Andrew Grindrod representing Aghee  
22 Smith who's physically present here in the room where the  
23 deposition is being taken.

24 MS. YUSI: And for the record, I also have Jason  
25 Thomasson with the United States Postal Inspection Service,

1 and remotely we have Mr. Rick Yarow who is counsel for David  
2 Alcorn, along with his client is online. We have Gregory  
3 Mathews, counsel for Norma Jean Coffin. Anthony Gantous who  
4 is counsel for Thomas Barnett, and Lindsay McCaslin is also  
5 online remotely, also, for Mr. Smith with the Federal Public  
6 Defender's Office. I think I got everyone identified. All  
7 right.

8 THE VIDEOGRAPHER: Can the court reporter, please,  
9 swear in the witness?

10 (Whereupon, the witness was sworn in.)

11 THE VIDEOGRAPHER: You may proceed.

12 MS. YUSI: Thank you.

13 SHARYON BEAN,  
14 having been sworn by the Certified Shorthand Reporter,  
15 HECTOR CONTRERAS, to tell the truth, the whole truth, and  
16 nothing but the truth, testified as follows:

17  
18 EXAMINATION

19 BY MS. YUSI:

20 Q Good afternoon. Can you introduce yourself to the  
21 Court?

22 A Sharyon Lee Bean.

23 Q And how do you spell your first name?

24 A S-h-a-r-y-o-n.

25 Q And your last name?

1 A B-e-a-n.

2 Q How old are you today?

3 A Excuse me. 81.

4 Q And what city and state do you live in?

5 A Citrus Heights, California.

6 Q Is that outside of Sacramento?

7 A Just on the outskirts, yes.

8 Q How long have you lived in Citrus Heights?

9 A 20 years.

10 Q And do you work right now.

11 A No.

12 Q What did you do for a living prior to -- to now?

13 A I worked at the telephone company, and then I spent  
14 the last eight and a half working years at a law firm  
15 downtown here at 3rd and Capitol Mall.

16 Q How long did you work at the telephone company for?

17 A 25 years.

18 Q And when did you stop working?

19 A When I had a complete mental and emotional breakdown  
20 on the job.

21 Q When was that? Do you recall approximately?

22 A I don't know. Somewhere in -- I don't know if it  
23 was '80s or the '70s.

24 Q Okay.

25 A I don't know. It's just a long time ago.

1 Q Did -- were you on disability after that?

2 A Yes. Until they switched me over at 65 to regular  
3 Social Security.

4 Q While you were working, did you save money for  
5 retirement?

6 A No. I didn't really have any to save.

7 Q Okay. Now, I want to talk to you about the  
8 Defendant, Aghee William Smith. Do you know Aghee William  
9 Smith also known as Bill Smith?

10 A Yes.

11 Q How -- about when or -- and how did you get to know  
12 him?

13 A At -- he came to a spiritual, study-group meditation  
14 and all that and I was there.

15 Q Do you remember around how long ago that was?

16 A Probably -- oh, I don't know. I just don't  
17 remember.

18 Q That's okay.

19 A A long time ago.

20 Q Okay. And what was your relationship with him when  
21 you first got to know him?

22 A Just acquaintances --

23 Q And --

24 A -- from the spiritual study group.

25 Q And then did -- did you develop a friendship with

1 him?

2 A Well, you know, we just see each other at meetings.

3 Q What kind of meetings were these?

4 A Spiritual meetings, classes, meditations, that kind  
5 of thing.

6 Q Were those -- where were those held?

7 A Usually at different people's homes. The teacher  
8 had a lot of classes at her home at the time.

9 Q Okay. Did you ever have any of these meetings at  
10 your home?

11 A No.

12 Q Did you ever go to Mr. Smith's office?

13 A Yes.

14 Q How about his home?

15 A Yes.

16 Q Did he ever go to your home?

17 A Yes.

18 Q What kind of home is that?

19 A My mobile home.

20 Q And is that the home you've lived in since you lived  
21 in Citrus Heights?

22 A 20 years, yeah.

23 Q You went to Mr. Smith's home. What was that like?

24 A What do you mean "what was that like?"

25 Q What was his home like?

1 MR. GRINDROD: Objection. Relevance.

2 MS. YUSI: Go ahead.

3 THE WITNESS: Okay. Well, let me just say he lived  
4 a very nice lifestyle.

5 (Reporter clarification.)

6 THE WITNESS: Yes. Nice home, nice cars, nice  
7 motorcycles, nice everything.

8 BY MS. YUSI:

9 Q Okay. Now, in 2017 did you come into some money?

10 A I did. I got a letter from AT&T saying that they  
11 had 12 years back pension for me, and I had no idea that I  
12 had that coming.

13 Q And -- and about how much was that?

14 A It was a hundred thousand plus 2- to 3,000 that I  
15 used to pay some bills. The rest I gave to Bill Smith --

16 Q Okay. And -- and --

17 A -- to invest for me supposedly.

18 Q Was this -- like was this a --

19 (Reporter clarification.)

20 MS. YUSI: Sorry.

21 BY MS. YUSI:

22 Q What kind of money was this? Was the check free and  
23 clear? You could do whatever you want with?

24 A I believe so and I knew that I had to roll it over  
25 or the tax -- the taxes would be crazy. My son sent me a

1 letter off the Internet from an attorney in Hollywood that  
2 handles that kind of issues with Hollywood people.

3 Q And -- and -- and what did -- did -- did you talk to  
4 Bill Smith about this money, or what did he know about the  
5 money?

6 A Well, I think in the group, you know, we just always  
7 shared, you know, what was going on in our lives and all  
8 because we were there to meditate our way through it and  
9 learn how to detach from things of the world and all that,  
10 so I'm sure that I said something about it.

11 Q And -- and how did -- did you end up having  
12 Mr. Smith -- how did Bill Smith end up with your money?

13 A Well, I don't remember exactly all that went on, but  
14 I know that I was made aware that for 42 years that had been  
15 his business in investing money for people. And I said,  
16 "Well," you know, "this is all I have from retirement, and  
17 so you have to take really good care of that and really good  
18 care of me and I don't understand all this stuff, so you  
19 have to be available to explain it." And, of course,  
20 explain, explain, explain. If you don't know it, it just,  
21 like, goes over your head. You just --

22 Q And -- and who did you tell that all to?

23 A Bill.

24 Q Okay. And you said he had 42 years of experience.  
25 What else did you know about his -- his business if

1 anything?

2 A Well, I knew he was Mormon.

3 Q Okay. Did -- did he talk about religion?

4 A He did. He had me -- he and his wife had me over  
5 one day -- two kids, you know, riding the bicycles and stuff  
6 and they came and they talked and they gave me a book, which  
7 I wasn't interested in. I just put it on my shelf and later  
8 threw it away.

9 Q Did you trust Mr. Smith in general?

10 A I had no reason not to --

11 Q Okay.

12 A -- until I investigated what was going on.

13 Q What did -- what, if anything, did Mr. Smith know  
14 about why you stopped working?

15 A Well, I'm kind of an open-book person. So being  
16 together in groups and stuff I'm sure it must have come out  
17 somewhere there. But then we'd talk, you know, when I'd  
18 go -- I'd go to his house sometimes for meditation. He  
19 usually came to mine when it was about trying to keep me  
20 calm about the money and why it wasn't coming in and, you  
21 know, all that.

22 Q Okay. We'll talk a little bit more about that in a  
23 minute. Now, when you started talking to Mr. Smith about  
24 this -- this retirement money that you had --

25 A Mm-hmm.



1 Q -- what -- what investments or what did Mr. Smith  
2 suggest you do with it?

3 A Well, there were two tech companies, Soniqui  
4 (phonetic) and XCEL that, you know -- he gave me these nice  
5 booklets that a company would put out to inform people that  
6 either they wanted them to invest, or they just wanted them  
7 to know about the company. I don't know. Anyway, I got  
8 those.

9 Q And -- and -- and about the XCEL investment, what  
10 type of -- what was your understanding of what type of  
11 company the --

12 A Just that they were a tech company, which I knew  
13 nothing about.

14 Q Do you own a cell phone?

15 A No.

16 Q Do you own a computer?

17 A No.

18 Q Did you --

19 A Wouldn't have them in my life ever.

20 Q Did you understand what XCEL was?

21 A I only slightly, you know -- I knew from pictures  
22 and stuff in the book that they were I think -- I don't  
23 remember if they were the ones, but one of them was, like,  
24 putting up cell towers over a large area of sea, maybe sort  
25 of northeast. Anyway, big area and they were supposed to be

1 big on growth. Soniqui, I don't remember what I thought  
2 about them.

3 Q And -- and who explained all this, you know, what it  
4 was --

5 (Reporter clarification.)

6 THE WITNESS: Oh, I'm sorry.

7 BY MS. YUSI:

8 Q Who explained all this to you when you -- when you  
9 spoke with Mr. Smith?

10 A Bill, yeah, just he and I.

11 Q What was your understanding of -- of the return on  
12 this investment?

13 A Well, you have paperwork with the notes that he made  
14 to show a picture that turned out to not be reality.

15 Q What was -- what do you recall though just sitting  
16 there without looking at the documents that --

17 A What I recall is just lots of handwritten numbers  
18 and notes and things.

19 Q Did -- did there -- did he -- did Mr. Smith talk  
20 about the track record or any risk going on that was with  
21 XCEL?

22 A Yes. I'm sure he did and I don't remember exact  
23 words, but yes.

24 Q What was --

25 A You know, he -- he was trying to paint a -- trying

1 to let me know that this was a company that was accountable,  
2 and, you know, my money would be safe with them. It was  
3 Soniqui and I don't even remember which one got 25,000 of my  
4 money, and which one got 75,000. And then there was a  
5 15,000 plus that went into a cash fund, which I was told was  
6 required on investments. So I just went with it, and the  
7 money was turned over to Provident until I put a stop to  
8 that, you know. Every year they were charging me for  
9 nothing but meaningless numbers on a page that had no money  
10 behind them that I was aware of.

11 Q Well, let's look --

12 MR. GRINDROD: I'm going to object and move to  
13 strike as narrative and nonresponsive.

14 BY MS. YUSI:

15 Q I'm going to talk to you about some of the documents  
16 and show you a few of these things. I'm going to show you  
17 what's been marked for identification as Government's  
18 Exhibit 815?

19 A Let me put my glasses so I can see better.

20 Q Sure.

21 And before -- before talking about the document, did  
22 you provide a box of documents to the government that --

23 A Yes.

24 Q -- you attached from -- from these investments?

25 A Yes. Everything from the first letter from AT&T

1 through every single piece of paper that I got from Bill's  
2 office.

3 Q And so was that the entirety of all the documents  
4 you ever received?

5 A As far as I know, yes. I just put everything in a  
6 box and kept it.

7 Q Okay. If you can look at 815 -- Government  
8 Exhibit 815, says XCEL bandwidth member loan, and it's two  
9 pages. If you look at the second page --

10 A Oh, XCEL 25. Okay. Yes.

11 Q -- is that your signature?

12 A My signature, yes.

13 MS. YUSI: Okay. I'm going to move to admit  
14 Exhibit 815.

15 (Government's Exhibit 815 was marked for  
16 identification.)

17 BY MS. YUSI:

18 Q Now, this says on page 1 of Exhibit 815, "\$25,000  
19 member loan," and it says, "For value received the  
20 undersigned, XCEL Bandwidth 2, herein promises to pay to the  
21 order of Sharyon Bean the principal sum," which was \$25,000.  
22 Do you see that?

23 A Yes, I see that.

24 Q And then the -- the rest of it is -- is -- on number  
25 three on page 1, that's blank, correct?

1 A Yes.

2 Q And page 2 of Exhibit 815 you said that's your  
3 signature?

4 A Yes, it is.

5 Q We don't know what date -- the date on any of these  
6 is not filled out; is that right?

7 A Correct.

8 Q And did you ever get a fully executed member loan  
9 from -- from -- from Mr. Smith concerning this \$25,000?

10 A I don't know what that would have looked like.

11 Q Well, did you ever get a piece -- a -- a member loan  
12 with all of this information signed by XCEL and everything  
13 filled out?

14 A I don't believe so but like I said, my memory isn't  
15 as good as it used to be.

16 Q Sure.

17 Did you understand what a member loan was?

18 A I still don't understand, so not really. I mean, I  
19 was a member of this company now on paper, and so I was  
20 loaning them money. I think that's probably what was meant.

21 Q Okay. And -- and any questions that you had, who  
22 would you ask about this?

23 A Only Bill.

24 Q Mr. Smith?

25 A Mr. Smith, yes.

1 Q All right.

2 A Thank you for correcting me.

3 Q Oh, no. I'm not. I'm just trying to make the  
4 record clear.

5 I'm going to show you what's been marked for  
6 identification as Government's Exhibit 817. Do you  
7 recognize that document?

8 A Not really. I recognize the heading on it as XCEL  
9 Bandwidth.

10 Q Okay. If you can go to the last page of  
11 Exhibit 817; is that your signature?

12 A Page 17?

13 Q Or the last page of Exhibit 817, the very last page  
14 of that exhibit.

15 A Oh, I'm sorry. They stuck together. I didn't  
16 realize that.

17 Q Is that your signature?

18 A Yes --

19 Q Okay.

20 A -- it is.

21 MS. YUSI: We move to admit Exhibit 817.

22 (Government's Exhibit 817 was marked for  
23 identification.)

24 BY MS. YUSI:

25 Q And -- and this says it's an operating agreement of

1 XCEL Bandwidth 2. Did Mr. Smith go through this with you as  
2 to what it meant?

3 A I don't remember but he -- I always asked him. I  
4 said, "I don't understand this." So I went to his office a  
5 lot of times to try and understand all this stuff, but no.  
6 I know, you know -- I -- no background -- money, so I -- all  
7 of this was, like, foreign territory.

8 Q Okay. And did he -- so any information you had in  
9 terms of trying to understand is that through Mr. Smith?

10 A Yes.

11 Q And if we look to the back page, again, of  
12 Exhibit 17, and feel free to get a glass of water --

13 A Thank you.

14 Q -- if you need that. The very last page...

15 A Yeah, the one with my signature.

16 Q Sure. It says "buyer" with your name, correct, at  
17 the top?

18 A Mm-hmm.

19 Q Seller says --

20 A Yes.

21 Q -- "XCEL Bandwidth" and that's blank and not filled  
22 out, right?

23 A Correct.

24 Q And then the broker, DOM Business Brokers, LLC, by  
25 Bill Smith and agent name, Bill Smith. Is that Mr. Smith's

1 signature if you know?

2 A Yes.

3 Q And do you know what a broker is?

4 A I -- is that a person, like, between a customer and  
5 the -- whoops. I don't really know the exact definition. I  
6 would think maybe it's between some representative of the  
7 company and the person who was selling me this stock or  
8 whatever it is.

9 Q And DOM Business Brokers, did you know what DOM  
10 business Brokers or who was behind that?

11 A I don't think I ever looked at that, you know. All  
12 of this stuff is like -- you might as well be talking Greek  
13 because I don't understand it. I don't have a background, I  
14 don't have training, or anything. It was kind of, like, all  
15 Greek to me, but he always took my calls.

16 Q Okay. And -- and what were you calling him about  
17 after you did -- made your investment?

18 A Well, anything -- mostly when is the money supposed  
19 to be coming in, and according to documents that he googled  
20 information on, I thought I should have been getting  
21 something, so I just kept checking in with him. Or if I had  
22 questions, I would just call him.

23 Q Okay. I'm going --

24 A Excuse me.

25 Q -- show you -- I don't know if you've seen this but



1 it's a -- I'm going to show you what's been marked for  
2 identification as Government Exhibit 818?

3 A Are we through with this one?

4 Q Yes, for now. Thank you.

5 A Oh, this doesn't look familiar.

6 Q Well, this is a wire record.

7 A Mm-hmm.

8 Q And you see the amount, \$25,000, which is about --

9 A Oh, yes.

10 Q Uh-huh. And from Provident trust group. Did you  
11 have an account with Provident trust group?

12 A I ended up with one.

13 Q And why did you end up with one?

14 A Well, they were supposed to be, like -- I don't  
15 know -- keeping track, keeping a record of this -- this  
16 money flow. I don't really know what they actually did.

17 Q Okay.

18 A Except I know they sent me a bill for \$400 every  
19 year.

20 Q Okay. Who suggested that you have an account with  
21 Provident Trust if you know?

22 A I think it just was part of the package. I don't  
23 know.

24 Q It was part of -- of doing your business with XCEL  
25 Bandwidth as far --

1 A With Bill Smith.

2 Q Okay.

3 A Yeah.

4 Q And then at the bottom when it's under the  
5 beneficiary information, it says XCEL Bandwidth.

6 A Mm-hmm.

7 Q And at the top is the date July --

8 MR. GRINDROD: Are you moving this?

9 MS. YUSI: I will be.

10 MR. GRINDROD: Okay.

11 BY MS. YUSI:

12 Q July 10th, 2017, do you see that?

13 A Yes.

14 Q Okay. Does that appear to be around the date that  
15 you put money into XCEL Bandwidth?

16 A That probably was the date.

17 Q Okay.

18 A Not good with dates.

19 MS. YUSI: All right. We're going to move to admit  
20 Exhibit 818.

21 (Government's Exhibit 818 was marked for  
22 identification.)

23 THE WITNESS: Oh.

24 BY MS. YUSI:

25 Q So that one is July 2017. You said you -- you --

1 you would call. How long were you -- was -- were you  
2 supposed -- was it going to be before you started seeing any  
3 returns on this money?

4 A Well, I never knew. That's why I kept calling.

5 Q Do you recall anything that was said or that you  
6 read that told you how quickly you would start seeing money  
7 come in when you -- before you made the investment?

8 A Well, he made copies, which I kept, of course, of  
9 things off the computer and wrote down dates to show me.

10 Q Okay.

11 A How it was supposed -- I didn't understand. I just  
12 accepted he knew what he was doing, and I didn't have any --  
13 any clue, so I trusted him.

14 Q Did your son ever have an occasion to try to speak  
15 with Mr. Smith?

16 A Yes.

17 Q Was that after your investment?

18 A Yes.

19 Q And -- and were you there for the conversation?

20 A Yes.

21 Q Can you tell us what -- well, what was the purpose  
22 of -- of your son talking to Mr. Smith? And I don't want  
23 you to tell me what he was saying, but how did this come  
24 about?

25 MR. GRINDROD: Objection. Relevance.

1 BY MS. YUSI:

2 Q Go ahead.

3 A I'm supposed to say now?

4 Q No. You can tell me why -- why -- why did your son  
5 end up talking with Mr. Smith or meeting with him.

6 A Well my son lives in New Washington, DC in  
7 Virginia --

8 Q Okay.

9 A -- because he works on government contracts. He  
10 works for a private company, but he's retired Air Force.  
11 And he was here visiting, and because I had trusted my whole  
12 retirement to Bill Smith, I just wanted them to meet  
13 thinking Bill was a friend. He was watching out for me and  
14 all that stuff so...

15 Q So did your -- your son call or meet with him?

16 A We both went so I could introduce him to Bill. I  
17 think we went into a conference room and Bill was talking --  
18 started talking about some legion -- whatever it's called,  
19 legion, some small investment and -- which I ended up  
20 investing and can't get ahold of them probably anymore but  
21 anyway. But he was talking to my son. He wanted my son to  
22 invest, but my son is smart about this. He manages his  
23 money and, you know, he's very well educated and all that.  
24 So he asked questions, which he was not given any answers  
25 to.

1 Q Who --

2 MR. GRINDROD: Objection. Let me just --

3 MS. YUSI: Sure.

4 MR. GRINDROD: Objection to the last answer as  
5 narrative, nonresponsive, and irrelevant. Move to strike.

6 BY MS. YUSI:

7 Q Okay. What -- who was not answering his questions?

8 A Bill Smith.

9 Q Okay. And -- and -- and did Mr. Smith say anything  
10 about the questions?

11 MR. GRINDROD: Objection. Relevance.

12 BY MS. YUSI:

13 Q Go ahead.

14 A I asked Bill later and he said, "Oh, I don't answer  
15 questions because," he said, "if people want in, they want  
16 in. If they want out, fine." So he -- he made it okay that  
17 he didn't answer questions. He just doesn't do business  
18 that way.

19 Q Okay. And -- and when you -- when you were deciding  
20 to make this investment, what was -- could -- did you ask  
21 if -- if you could get your money back if you weren't happy  
22 with it, or did you have any understanding of -- of whether  
23 or not this was a possibility that you'll get out if you  
24 weren't happy?

25 A I don't recall having that thought.

1 Q Okay. When -- after you made your investment in  
2 2017, how often would you contact Mr. Smith about your  
3 investments?

4 A Whenever I had questions about anything, when is the  
5 money coming, what's going on with it, whatever.

6 Q And what was his general response?

7 A Well, when I finally got a -- the answer that was  
8 given to me eventually was, oh, the damn government is  
9 investigating. I don't know. Daryl Banks or something  
10 there's a -- I won't say because I found out that later what  
11 it was.

12 Q Okay. So -- so just before you -- you were aware  
13 that there were any possible issues with your investment --

14 A Mm-hmm.

15 Q -- did -- did Mr. Smith say anything about any  
16 regulatory issues or investigation into this investment?

17 A Not specifically that investment but just -- I felt,  
18 like, it was all moneys I'd give him because all -- nothing  
19 was forthcoming. I never got one red cent from anything.

20 MR. GRINDROD: Objection. Move to strike as  
21 nonresponsive.

22 BY MS. YUSI:

23 Q I'm going to show you what's been marked as  
24 exhibit -- Government Exhibit 819. It's a few pages. If  
25 you can look at that document.

1 A We're through with this one?

2 Q Yes. Thank you.

3 A Okay. So look at -- oh --

4 Q And if you look at page -- well -- and this is  
5 page 2. Is this an account statement from June 26th, 2017,  
6 through October 31st, 2017, from Provident Trust Group?

7 MR. GRINDROD: Object to form.

8 BY MS. YUSI:

9 Q Do you recognize this as -- as an account statement?

10 A Yes. Something I would have taken to Bill's office  
11 and asked him to explain since I didn't understand any of  
12 this.

13 MS. YUSI: Move to admit Exhibit 819.

14 (Government's Exhibit 819 was marked for  
15 identification.)

16 MR. GRINDROD: I object on relevance and hearsay.

17 MS. YUSI: Is that it?

18 MR. GRINDROD: Foundation.

19 BY MS. YUSI:

20 Q All right. If we're looking -- looking at  
21 Exhibit 819, Provident Trust -- you said that was part of  
22 your -- that was part of the deal --

23 (Reporter clarification.)

24 BY MS. YUSI:

25 Q Provident Trust Group, you said that was part of the

1 deal. You had to have an account there when you made this  
2 investment?

3 A That was my understanding.

4 Q And would you routinely get account statements from  
5 them in the mail or -- or -- yes?

6 A Yes. And mostly with a bill attached.

7 Q Okay. And -- and what would you do with those  
8 account statements?

9 A Put them in the box just like this one.

10 Q Did -- well, you said -- you said you -- did you  
11 ever talk to Mr. Smith about this?

12 A Oh, Yes.

13 MR. GRINDROD: Objection. Leading.

14 BY MS. YUSI:

15 Q What would you do with these statements?

16 A I would first contact Bill and say, "I don't  
17 understand this." And we'd get together and he would --  
18 that's his writing on here and --

19 Q Okay.

20 A -- he'd try -- he tried to make it clear.

21 MS. YUSI: I'm going to admit Exhibit 819.

22 BY MS. YUSI:

23 Q So the handwriting on --

24 MR. GRINDROD: Sorry. Same objections when offered  
25 before.



1 BY MS. YUSI:

2 Q The handwriting on this -- on this exhibit, who's  
3 handwriting is this?

4 A Bill Smith.

5 MR. GRINDROD: Object to foundation.

6 BY MS. YUSI:

7 Q Okay. Did he do this handwriting in front of you?

8 A Yes.

9 Q All right. And did you recognize Mr. Smith's  
10 handwriting?

11 A Yes. I've seen it on other forms before --

12 Q Okay.

13 A -- so I recognized it.

14 Q Okay.

15 A His writing is better than mine, but I recognized  
16 it. I will never forget. The whole thing is burned into my  
17 brain.

18 Q And -- and so this was end of October 31st, 2017.

19 Let's look at page 2.

20 A Same Exhibit, 819?

21 Q Yes. Yes. Exhibit --

22 (Reporter clarification.)

23 BY MS. YUSI:

24 Q Okay. And there's a circle, the 25,000. That's  
25 what you put into the XCEL, correct?

1 MR. GRINDROD: Objection to form.

2 THE WITNESS: Yes.

3 BY MS. YUSI:

4 Q All right. And if we look at page 3 of Exhibit 819,  
5 what's the circled number there?

6 A 99,000.

7 Q Okay. Was that -- what was that 99,000 if you know?  
8 It says -- to the left says, "June 27, 2017, rollover  
9 contribution."

10 A Right.

11 Q Where is that -- what was the \$99,000 if you know?  
12 And if you don't, that's totally fine?

13 A I don't remember.

14 Q Okay.

15 A But it might have been the check.

16 MR. GRINDROD: Objection.

17 MS. YUSI: Can you let her finish before you object?

18 MR. GRINDROD: Sure.

19 THE WITNESS: I didn't like you when I talked to you  
20 on the phone, and If I'd known I didn't have to, I wouldn't  
21 talk to --

22 MS. YUSI: Ms. Beam, let's continue this.

23 THE WITNESS: I'm sorry.

24 BY MS. YUSI:

25 Q Okay. All right. Now, I'm going to show you

1 Exhibit 820.

2 A Okay.

3 Q We're done with that one.

4 A Yeah.

5 Q Do you recognize Exhibit 820?

6 A Yes. I've seen this before.

7 Q And what is the date at the top of it?

8 A October 31st, 2017.

9 Q And did you provide this to the government?

10 A Yes.

11 Q And who -- who gave you this chart?

12 A Bill Smith in his office.

13 Q All right.

14 MS. YUSI: And we move to admit Exhibit 820.

15 (Government's Exhibit 820 was marked for  
16 identification.)

17 MR. GRINDROD: Object to relevance.

18 BY MS. YUSI:

19 Q And this says, "Scenario A, income plan." What was  
20 your understanding of what this was or how did this -- how  
21 did you end up getting this income plan?

22 A When I was meeting with Bill in his office.

23 Q Okay. And what was he -- what was your  
24 understanding of the purpose of -- of this? What was he --  
25 what did he give it to you -- why did he give it to you?

1 MR. GRINDROD: Objection. Foundation, lack of  
2 personal knowledge.

3 BY MS. YUSI:

4 Q I'm asking what your understanding was.

5 A Okay. Just to help me understand what was going on  
6 with my money.

7 Q Okay. And if you look under the structured income,  
8 it says, "XCEL Bandwidth, 25,000." And then there's money  
9 coming up there. Do you recall what -- why -- why he gave  
10 this to you, what the purpose of it was?

11 MR. GRINDROD: Objection. Asked and answered.

12 BY MS. YUSI:

13 Q Well, what were these numbers in particular if you  
14 know?

15 A I -- I don't know.

16 Q Okay. And -- and the handwriting on the right --

17 A Mm-hmm.

18 Q -- I can't really read it. Whose handwriting is  
19 that?

20 A The money market account --

21 Q Okay.

22 A -- and all that's encircled was mine. The rest was  
23 Bill.

24 Q Okay. All right. We're done with that one.

25 A Okay.

1 Q I'm going to show you Government Exhibit 821.

2 A This looks really familiar.

3 Q Okay. Do you recognize this document?

4 A Absolutely.

5 Q And what is it?

6 A It's a statement from Provident Trust Group.

7 Q And did you receive this from Provident Trust Group?

8 A I believe I did.

9 Q And did you provide this to the government?

10 A Yes, I did.

11 Q All right.

12 MS. YUSI: We move to admit Exhibit 821.

13 (Government's Exhibit 821 was marked for  
14 identification.)

15 MR. GRINDROD: Objection. Relevance, hearsay,  
16 foundation.

17 BY MS. YUSI:

18 Q And we've got the date on this account statement.

19 On the upper right it says January 1st, 2018, to

20 December 31st, 2018, correct?

21 A Yes.

22 Q So was this a year-end statement you received if you  
23 know?

24 A Probably, yes.

25 Q And whose -- I'm looking at the handwriting under

1 your account summary. Do you recognize that handwriting?

2 A Account summary -- Yes.

3 Q Okay. I -- I see under secured notes there says  
4 Soniqui, then XCEL, then Legion.

5 A Mm-hmm.

6 Q Whose handwriting is -- is the cursive?

7 A That was mine.

8 Q All right. How about the numbers, who wrote the  
9 numbers?

10 A Bill Smith.

11 Q And did he do that in front of you?

12 A Yes.

13 Q All right. What was he doing -- this is, I guess,  
14 after December 31st, 2018. Did you bring this to him to  
15 look at?

16 A Yes, I believe I did.

17 Q And -- and why did you do that?

18 A Because I needed to know what was -- what it was and  
19 that is all.

20 Q What was your -- what did Mr. -- did you ever -- did  
21 you ask Mr. Smith how your investments were doing?

22 A Let's see. I -- I would, you know -- what's the  
23 hold up? Yeah. I -- I -- I wasn't getting anything, and I  
24 thought I should have been getting something by then  
25 according to some of the other notes that he gave me.

1 Q Okay. Did -- did -- did you ever hear the term --  
2 the name Kent Maerki in -- in any relation to -- to this  
3 investment?

4 A I don't recall that name.

5 Q Okay.

6 A That doesn't mean I didn't hear it, but I don't  
7 recall it at all. Doesn't sound familiar.

8 Q All right. What, if anything, did Mr. Smith talk to  
9 you about having to or giving testimony on behalf of  
10 Mr. Maerki in another investment? Did he say anything about  
11 that prior to your investment?

12 MR. GRINDROD: Objection. Relevance.

13 BY MS. YUSI:

14 Q If you recall, did he say anything about having to  
15 go to court?

16 A No, absolutely not.

17 Q And what, if anything, did Mr. Smith say to you  
18 about any judgments by the SEC concerning Spectrum  
19 investments that you invested in?

20 A Never heard of that.

21 MR. GRINDROD: Objection.

22 (Reporter clarification.)

23 MR. GRINDROD: Sorry. Objection. Relevance, facts  
24 not in evidence, foundation.

25 THE WITNESS: I never heard any of that.

1 BY MS. YUSI:

2 Q You never said anything of note -- did Mr. Smith  
3 ever tell you he knew about any investigations other --  
4 until -- I'm talking about prior to the end and your  
5 understanding of this litigation going on.

6 A Right.

7 Q Did Mr. --

8 A Right.

9 Q -- Smith say anything to you about any of the SEC  
10 investigation into these types of investments?

11 MR. GRINDROD: Objection. Sorry. Objection to  
12 "these types of investments." A -- different Spectrum  
13 investments.

14 MS. YUSI: Can you not do a speaking -- just give  
15 your reasons.

16 MR. GRINDROD: Sure. Relevance, mischaracterizes  
17 testimony, facts not in evidence, foundation.

18 BY MS. YUSI:

19 Q I'm going to rephrase this.

20 A Okay.

21 Q What, if anything, did Mr. Smith tell you about his  
22 knowledge of the Securities and Exchange Commission  
23 investigating the -- the XCEL Spectrum investment?

24 A The only thing I remember was he was angry with the  
25 government. When I, you know -- I kept questioning --



1 questioning like -- shut me up I guess.

2 Q What did he say?

3 A He was angry with the government for -- I'm trying  
4 to think of how he put it. Something like messing with  
5 whatever was going on with all of this and that may be when  
6 Daryl Banks was getting zapped but I don't know.

7 Q What -- what did you hear about Daryl Bank?

8 MR. GRINDROD: Objection. Relevance, hearsay.

9 BY MS. YUSI:

10 Q What did you hear from Mr. Smith about Daryl Bank?

11 A Just -- I just heard his name several times. I  
12 don't remember exactly, but I know when I asked you  
13 what's -- what's holding my money up, it was like, oh, no.  
14 It's the government's fault.

15 Q And did Mr. Smith ever tell you that -- that or --  
16 did -- did -- were you ever informed by Mr. Smith that  
17 your -- your money was gone?

18 A No, never.

19 Q I'm going to show you Government's --

20 A We through with this one?

21 Q Yes, I am.

22 Government Exhibit 824.

23 A Okay.

24 Q Do you recognize this document?

25 A Looks familiar.

1 Q What is it?

2 A Another account statement, 2019, from Provident  
3 Trust Group.

4 Q And during this whole time, was -- were you getting  
5 bills from Provident Trust Group?

6 A Once a year, yes.

7 Q Do you remember about --

8 (Reporter clarification.)

9 BY MS. YUSI:

10 Q Do you remember about how much they were?

11 MR. GRINDROD: Objection. Relevance.

12 THE WITNESS: Can I answer --

13 BY MS. YUSI:

14 Q Sure.

15 A -- now? Okay. It was just under \$400 at a time.

16 Q And had you made any money on these investments?

17 A Oh, no, nothing.

18 Q Now, back to Exhibit 824, is this account statement  
19 for year-end 2019?

20 A Yes.

21 Q Did you provide this to the government?

22 A Yes.

23 MS. YUSI: We move to admit Exhibit 824.

24 (Government's Exhibit 824 was marked for  
25 identification.)

1 MR. GRINDROD: Object to foundation, hearsay,  
2 relevance.

3 BY MS. YUSI:

4 Q And so on -- at the end -- year-end statement of  
5 December 2019, how much did it say that you still had in  
6 your account or that your account was worth, all these  
7 investments?

8 MR. GRINDROD: Objection. Hearsay.

9 THE WITNESS: It's printed right here, assets,  
10 including cash, secured notes, loans, and notes receivable,  
11 cash, common stock total.

12 BY MS. YUSI:

13 Q And what was the total that -- your account market  
14 value?

15 A Was it the same?

16 Q In the -- the -- do you see where it says your  
17 account market value?

18 A Oh, yes. Yes, 92,697.06.

19 Q All right. Have you ever been able to get that  
20 money?

21 A Not a penny.

22 Q You said you were never informed about -- let's see.  
23 You were -- you said never informed about any issues, just  
24 that the government was messing things up?

25 A Yes. That's about the exact words, too. I couldn't

1 think of that, but yeah. That sounds really like --

2 Q I'm looking for one -- sorry, one of my exhibits  
3 that I had a minute ago. If I could just have a moment.  
4 Here we go. I'm going to show you Exhibit 823.

5 A Mm-hmm.

6 Q Do you recognize this document?

7 A Oh, the bankruptcy court. Yes, I do remember this.

8 Q And did you provide this to the government?

9 A Everything in that box, yes.

10 MS. YUSI: I'm going to move to admit Exhibit 823.

11 (Government's Exhibit 823 was marked for  
12 identification.)

13 MR. GRINDROD: Objection to relevance, foundation,  
14 and multiple levels of hearsay.

15 MS. YUSI: Now, you understand you did stipulate to  
16 bankruptcy records? Anyway --

17 MR. GRINDROD: Sure.

18 BY MS. YUSI:

19 Q At the bottom of Exhibit 823 it says, "Dated."

20 A Mm-hmm.

21 Q When was the date that this -- this notice of -- to  
22 file proof of claim due to possible recovery of assets, what  
23 date was this?

24 A 9/30/2019.

25 Q Okay. And did you do anything after you received

1 this notice to file proof of claim?

2 A Actually, I did. I'm trying to think who I called.

3 Oh, I know. I called the Vote (phonetic) Law Firm. My --

4 that's -- one of my best friends is married to the owner and

5 she -- she's a paralegal there. And I said, "Would you and

6 George take a look at this? I need a bankruptcy attorney to

7 tell me what to do if I need to do anything." So I had to

8 get a bankruptcy attorney to pay him.

9 Q And what was your understanding of -- of what this  
10 notice was?

11 A I think protection of his assets.

12 Q Well, why did you get this? What started this --

13 A Well --

14 Q -- if you know?

15 A I don't know why I got the copy.

16 Q Okay. But this was -- this was signed for -- to  
17 you. And up here --

18 A Yeah.

19 Q -- at the top, what -- what -- what court was  
20 issuing this notice?

21 A United States Bankruptcy Court, Eastern District of  
22 California.

23 Q And debtor name, do you see that a little bit  
24 further down?

25 A Yes.

1 Q Who were the debtors?

2 A Aghee Will Smith, Susan Blair Smith.

3 Q All right. Did you call Mr. Smith after you  
4 received this notification?

5 A No. I had no more communication with him.

6 Q I'm just checking my notes here real quick.

7 What was your understanding of -- going backwards a  
8 little bit. What was your understanding of -- did -- did --  
9 what, if anything, did you know of Mr. Smith's own interest  
10 in this? Did he have any financial interest in -- in the  
11 XCEL or Spectrum investments?

12 A Or even the legion. He always mentioned all these  
13 friends he had in high places with all of this, so I thought  
14 he knew what he was talking about.

15 Q Okay.

16 MR. GRINDROD: Move to strike as nonresponsive.

17 THE WITNESS: Can I get some more water, please?

18 BY MS. YUSI:

19 Q Oh, absolutely.

20 A Thank you. My throat is dry. Thank you.

21 Q And just to clarify, so there's a clean record,  
22 prior to you buying the XCEL investment --

23 A Mm-hmm.

24 Q -- did Mr. Smith make you aware of any investigation  
25 into Spectrum investments with the people that were involved

1 with this?

2 A I don't recall hearing the word "Spectrum" --

3 Q Okay.

4 A -- in any way, shape, or form.

5 Q Just XCEL?

6 A Yeah, XCEL, Soniqui, and Legion Capital.

7 Q Okay. Those are all my questions right now. I  
8 believe Mr. Smith's attorney will have some questions for  
9 you. If you can answer them in the same respectful manner.

10 A Civilly, respectfully, yes. I'm a respectful  
11 person.

12 MS. YUSI: Mm-hmm.

13 EXAMINATION

14 BY MR. GRINDROD:

15 Q Ma'am, I'd like to start off by talking about your  
16 relationship with Mr. Smith before you made this investment.  
17 You had a personal relationship with Mr. Smith before this  
18 investment, right?

19 A We just saw each other at different spiritual  
20 functions and that so -- and -- and -- and I did go to a  
21 couple -- a few times to his home for meditation groups that  
22 he was sponsoring and stuff so...

23 Q You would refer to him as having been your spiritual  
24 friend?

25 A No. Just an acquaintance that I met at these

1 functions.

2 Q Do you remember, ma'am, meeting with F -- an FBI  
3 agent when you were first interviewed about this case?

4 A Only the gentleman -- only on the phone --

5 Q Right.

6 A -- and the gentleman that came to pick up the box of  
7 all my paperwork.

8 Q Just in October, just, like, less than a month ago,  
9 do you remember telling the FBI agent that you had been  
10 spiritual friends with Bill Smith for approximately ten  
11 years before you invested money with him?

12 A I had been spiritual acquaintances, yes. I  
13 probably -- possibly used that terminology.

14 Q And you and Mr. Smith meditated together?

15 A From time to time, yes.

16 Q You took classes together?

17 A Yes. He joined the group from time to time that I  
18 was associated with.

19 Q You knew him for about ten years?

20 A I don't know, maybe eight to ten years. I don't  
21 really remember how long exactly.

22 Q You had been to his home several times?

23 A I wouldn't say several, but I had been to his home a  
24 few times.

25 Q Met his wife?



1 A Yes, I met his wife.

2 Q He would come to your house?

3 A Only when he was trying to explain to me what was  
4 going on with this paperwork, with my money.

5 Q And you -- I think you mentioned on direct even  
6 though you hadn't invested any money with him at that point,  
7 you -- you learned that he had handled investments for  
8 42 years or something like that?

9 A Yes, exactly. Yeah. That's what I was told.

10 Q And over your relationship with him before you made  
11 any investments, you found him to be honest, right?

12 A I didn't really have -- the appearance was -- yes.

13 Q He was kind to you?

14 A He was kind to everybody.

15 Q Okay. And so -- but before you invested with  
16 Mr. Smith, you knew that he was someone who had built a  
17 reputation in this industry for 40-some years, right?

18 A That's what I was told.

19 Q And you knew that he had built a relationship with  
20 you of some kind for about ten years -- eight to ten years?

21 A I don't know if it was that long, but that's my  
22 guess.

23 Q Okay. And then in 2017 I think that's when you  
24 received this money from AT&T, right?

25 A Yes.

1 Q And back -- you had worked for AT&T for 25 years,  
2 right?

3 A Yes.

4 Q You were a marketing representative?

5 A I had a lot of different jobs and worked my way up  
6 in the company, yes.

7 Q And one of those jobs was marketing representative,  
8 right?

9 A Yes.

10 Q Another one was doing work with, like, telephone  
11 orders, taking orders --

12 (Reporter clarification.)

13 MR. GRINDROD: Sorry.

14 BY MR. GRINDROD:

15 Q -- setting up systems, moving systems, telephone  
16 systems?

17 A Yes.

18 Q And then you worked as a computer operation's  
19 manager there, right?

20 A Yes.

21 Q And then after you left AT&T, you were -- sometimes  
22 were a speaker at business women's groups?

23 A After I recovered from having an on-the-job mental  
24 and emotional breakdown, when I recovered after eight years  
25 working with a counselor, yes. I did do a little speaking

1 of, you know, don't push yourself over the edge because you  
2 don't know if you can get back, because it took me a long  
3 time to get back.

4 Q And so you had this money from AT&T, and you went to  
5 Mr. Smith, right?

6 A I wouldn't say I went to him because I -- I really  
7 didn't know until he mentioned that, oh, I've been doing  
8 investing for people for 42 years, and I knew nothing. What  
9 do I do with this money? Except I knew I had to roll it  
10 over, so anyway. When I knew what he did, then I thought  
11 great. I can, you know, have someone who knows how to do  
12 this handle it.

13 Q Sure.

14 And when you were having these conversations with  
15 Mr. Smith about what to do with your money, one of the  
16 options that he gave you information about was XCEL  
17 Bandwidth 2, right?

18 A Yes.

19 Q And Mr. Smith gave you some written information  
20 about XCEL Bandwidth, right?

21 A Yes.

22 Q I'm going to show you what's been marked as  
23 Defendant Smith Exhibit 504. It's a two-page document,  
24 ma'am. If you could just kind of briefly look at both  
25 pages.

1 A Mm-hmm.

2 Q And the second page has your signature on the  
3 bottom, right?

4 A Mm-hmm, it does.

5 Q So you've seen this document before?

6 A Yes. It was probably in that booklet that I got  
7 about from this Soniqui.

8 Q And you -- you actually sent this document to the --  
9 to the prosecutors in this case, right?

10 A Yes.

11 Q Okay.

12 MR. GRINDROD: Move to admit Smith 504.

13 (Defendants' Exhibit 504 was marked for  
14 identification.)

15 BY MR. GRINDROD:

16 Q And so what this document does is essentially it  
17 describes XCEL Bandwidth 2, right?

18 A I guess so, yeah.

19 Q It gives an overview of what the company does,  
20 right?

21 A Mm-hmm.

22 MS. YUSI: Objection. Foundation.

23 MR. GRINDROD: Can you elaborate a little?

24 MS. YUSI: I don't know if she understands it. I  
25 don't even know if she knows what's in the document.

1 MR. GRINDROD: Okay.

2 THE WITNESS: I don't -- I don't know if I even read  
3 it.

4 BY MR. GRINDROD:

5 Q Okay. Well --

6 A It's over my head.

7 Q Flip to the second page for me if you would.

8 A Yes. Okay.

9 Q And right above your signature it says, "I have read  
10 and understood this business term sheet," right?

11 A Yes.

12 Q And then you signed below indicating that you had  
13 read and understood this business term sheet, right?

14 A Yes.

15 Q So --

16 A That's what it would appear to be, not that I did  
17 but...

18 Q Well, you -- you signed --

19 A Yes.

20 Q -- on the dotted line --

21 A Yes.

22 Q -- certifying that you did read and understand it,  
23 right?

24 A This was given to me, and I was asked to, please,  
25 sign it.

1 Q Okay.

2 A Not that I understood it.

3 Q So you -- your testimony today is that you signed  
4 this document right below the line that says I've read and  
5 understand this, but you didn't read or understand it?

6 MS. YUSI: Objection. Asked and answered.

7 BY MR. GRINDROD:

8 Q You can answer me.

9 A I don't know. What did you say?

10 Q Sure. So your testimony today is that you signed  
11 your name right below this statement that says I have read  
12 and understood -- and understand this business term sheet,  
13 and you did that even though --

14 A I didn't --

15 Q -- you did not read or understand it?

16 A Right.

17 Q Okay.

18 A I was --

19 (Reporter clarification.)

20 MS. YUSI: If you can let her finish her question or  
21 answer.

22 THE WITNESS: Just -- just signing a bunch of things  
23 that I had signed while I was there.

24 BY MR. GRINDROD:

25 Q Sure.

1 But after you signed this saying that you read and  
2 understood it, right, you gave it to Mr. Smith, right?

3 A Yes, I did.

4 Q So you were telling Mr. Smith that you had read this  
5 and understood it, right?

6 A I suppose, yes.

7 Q Okay. And you signed it, ma'am, on -- on page 2 it  
8 says 6/22/2017, right?

9 A I don't know. Does it? Yes.

10 Q Okay. And you didn't actually -- the money was not  
11 actually wired to XCEL until July 10th of that year, right?

12 A I have no idea what happened to my money.

13 Q Well, let's go back to Government Exhibit 818, which  
14 is already in front of you.

15 MS. YUSI: I'll get it for you.

16 THE WITNESS: Okay. Okay. Thank you. Thanks,  
17 Beth.

18 BY MR. GRINDROD:

19 Q Do you have 818 in front of you, ma'am?

20 A Yes.

21 Q And at the very top it -- it says July 10th, 2017,  
22 right?

23 A Yes.

24 Q So that's when the money was wired to XCEL, right?

25 A I assume so.

1 Q Okay. So between -- well, I'll withdraw that.

2 Could you turn, ma'am, to Government Exhibit 820,  
3 and Ms. Yusi asked you some questions about this document on  
4 direct examination. Do you remember those questions?

5 A No. But I remember this document.

6 Q Okay. Well, this document was in your paper files  
7 at home before you sent it to prosecutors, right?

8 A Yes.

9 Q And on the -- on the top it says, "Date,  
10 October 31st, 2017," right?

11 A Yes.

12 Q And on the bottom left all the way in the bottom  
13 corner it says, "Printed on October 31st, 2017," right?

14 A Yes.

15 Q So you only ever made one investment with XCEL  
16 Bandwidth, right?

17 A I don't know what happened to my money.

18 Q Okay. Well, all the documents we've looked at show  
19 that there was one \$25,000 investment in XCEL Bandwidth; is  
20 that right?

21 A Yes.

22 Q And that shows that that one investment went  
23 through. The wire was sent on July 10th, 2017, right?

24 A Yes.

25 Q So this document that we're looking at, Government



1 Exhibit 820, was created more than three months after you  
2 had already invested the one time in XCEL Bandwidth, right?

3 A Yes.

4 Q So fair to say this document is not something that  
5 you considered when you were deciding whether or not to  
6 invest in XCEL Bandwidth, right?

7 A I don't know.

8 Q Well, for that to be the case, that would have meant  
9 that you relied on a document that was created three months  
10 after you actually made the investment. So that's -- that's  
11 probably not what happened, right?

12 A I don't know.

13 Q Okay.

14 A It was -- it was a while back.

15 Q You see the handwriting across the bottom of that --

16 A Yes.

17 Q -- document, ma'am?

18 A I do.

19 Q Whose handwriting is that?

20 A Bill.

21 Q And what does it say in all caps across the bottom?

22 A For illustration purposes only, results may vary.

23 Q And so Mr. Smith wrote that on there, right?

24 A Yes. Yes.

25 Q And he also told you that orally, right?

1 A Probably, yes.

2 Q Okay. And the money -- you can set that aside,  
3 ma'am. We're done with that one.

4 The money for your XCEL investment, that money  
5 actually went to XCEL, right?

6 MS. YUSI: Objection. Foundation.

7 THE WITNESS: I have no idea what happened to my  
8 money.

9 BY MR. GRINDROD:

10 Q Well, go back to Government Exhibit 818 that the  
11 government offered and that you went through with Ms. Yusi,  
12 please.

13 A Okay.

14 Q And Government 818 is that the wire, right? It's  
15 the one we talked about, the wire going through on  
16 July 10th --

17 A Yeah.

18 Q -- 2017?

19 A Yeah.

20 Q And in the -- in the bottom right it shows that the  
21 wire went to an account associated with XCEL Bandwidth and  
22 it lists an address in -- in St. Lucie West -- in St. Lucie  
23 West Boulevard in Port St. Lucie, Florida?

24 A I see that.

25 Q So the money went to XCEL Bandwidth in July of 2017,

1 right?

2 MS. YUSI: Objection. Foundation.

3 BY MR. GRINDROD:

4 Q You can answer.

5 A I suppose. I really don't know.

6 Q You know that XCEL Bandwidth had an address in Port  
7 St. Lucie, Florida, right?

8 A I don't know that. I could never reach them.

9 Q You know that Daryl Bank was the manager of XCEL  
10 Bandwidth, right?

11 A I only know that I heard his name.

12 Q Let's go to what's already been admitted as  
13 Government Exhibit 817, ma'am. If you could go to page 14  
14 of that document. The numbering is very small and at the  
15 bottom, but it's page 14 of 17?

16 A I see it. I see it. Page 14?

17 Q Yes. Yes, ma'am.

18 Okay. And you see a signature there?

19 A Yes.

20 Q And then below the signature it says, "Daryl Bank"?

21 A Yes.

22 Q And then it says manager, "XCEL Bandwidth, LLC"?

23 A Yes.

24 Q So you had documents showing that Daryl Bank was the  
25 manager of XCEL Bandwidth, right?

1 A That's what the document says.

2 Q And --

3 A And I have the documents.

4 Q Right.

5 And, ma'am, you know that -- you eventually learned  
6 that Daryl Bank had been accused of fraud, right?

7 A Yes.

8 Q And that he had been taking money from people who  
9 invested with him?

10 A I didn't hear anything about the case, except the  
11 final result.

12 Q You heard that he had been convicted of fraud?

13 A Yes.

14 Q And, ma'am, you -- you physically gave Mr. Smith  
15 your money, right?

16 A Yes.

17 Q And you didn't get a dime back?

18 A No.

19 Q And you're very upset about that, right?

20 A Yes.

21 Q But sitting here today you cannot think of a single  
22 thing that Bill ever said to you that was not true, right?

23 MS. YUSI: Objection. Argumentative.

24 BY MR. GRINDROD:

25 Q Ma'am, is that right? You can't --

1 A It was a long time ago.

2 Q Mm-hmm.

3 A God only knows what he might have said. I don't  
4 know.

5 Q I understand that and it was a long time ago. I  
6 understand all that. But what I'm asking you, ma'am, is  
7 under oath, sitting here today, can you think of anything  
8 that Bill Smith told you related to this investment that  
9 wasn't true?

10 MS. YUSI: Same objection.

11 Go ahead.

12 THE WITNESS: I don't know.

13 BY MR. GRINDROD:

14 Q You don't know whether you can think of anything?

15 A I can think that I don't understand. Whatever he  
16 might have said or done doesn't register with me. I don't  
17 understand it. I know he mentioned Daryl Bank to me several  
18 times as well as all the people he knew at Lincoln --  
19 whatever it's called. I can't even think now. Yeah.

20 He mentioned all the hoity-toits that were at the  
21 top of these -- all these companies that ripped people off.

22 Q Well, I understand that you believe in your heart  
23 that Bill Smith ripped you off, right?

24 A I believe he mishandled my money, yes.

25 Q Okay. And you believe that because you didn't get

1 any of your money back, right?

2 A Didn't get a dime, no.

3 Q But what I'm asking you is can you tell me anything  
4 that Bill told you that was a lie?

5 MS. YUSI: Objection. Asked and answered.

6 BY MR. GRINDROD:

7 Q Is the answer no, ma'am?

8 A No. I'm not giving an answer.

9 Q You're -- you're refusing to answer the question?

10 MS. YUSI: Objection. Asked and answered,  
11 argumentative.

12 THE WITNESS: Thank you.

13 BY MR. GRINDROD:

14 Q Ma'am, are you declining to answer the question of  
15 whether Bill Smith ever told you anything that was a lie?

16 MS. YUSI: Objection. Asked and answered.

17 BY MR. GRINDROD:

18 Q You can answer.

19 A He could have told me there was an elephant in the  
20 room, and it was painted purple. I wouldn't have known the  
21 difference. I didn't understand the things he was saying no  
22 matter how -- he tried so hard to make it clear to me so I  
23 would understand. What he was making me understand later I  
24 found out -- I don't know what to think about that.

25 Q I understand.

1 MR. GRINDROD: No further questions at this time.

2 MS. YUSI: Does anyone else that's here remotely  
3 have questions for him before I do some redirect? Anyone?

4 MR. GANTOUS: I have no questions.

5 (Reporter clarification.)

6 MS. YUSI: That was Anthony Gantous.

7 MR. MATHEWS: No questions.

8 MS. YUSI: Thank you.

9 FURTHER EXAMINATION

10 BY MS. YUSI:

11 Q I just have a couple followups, Ms. Bean. I know  
12 it's been a long afternoon.

13 A That's okay.

14 Q All of the information, the -- the loan agreements,  
15 the operating agreements, the charts, things like that, who  
16 gave those to you?

17 A Bill Smith.

18 Q And who gave you all of your information about this  
19 investment that you made?

20 A Bill Smith.

21 Q Did you have any other sources of information  
22 besides what he -- he gave and told you?

23 A No. I trusted him completely.

24 Q And did he explain page by page and paragraph by  
25 paragraph when you told him you didn't understand things?

1 A If I needed it, he drew pictures, wrote notes, and  
2 things and I still didn't really understand.

3 Q And how often would you -- would you go to him and  
4 try to get explanations or for understanding?

5 A Anytime I was getting to the point where, you know,  
6 what happened to my money, when are things going to loosen  
7 up and I might see something, when I needed to, I could  
8 reach him. He would call me back.

9 Q And -- and -- and during all those conversations,  
10 did he say this is -- none of my clients are -- did he ever  
11 say anything about any of his clients not doing well in  
12 these investments?

13 A I only heard about all of that later.

14 Q Okay. After -- after the federal government made  
15 arrests?

16 A Yes. Yes.

17 Q Did Mr. -- did Mr. Smith ever ask you do you  
18 understand all this?

19 A I don't know whether he did or didn't. But, you  
20 know, who am I? I just go along with the program thinking I  
21 was working with someone who cared about me and was looking  
22 out for my best interest.

23 Q And when you heard that he had 42 years in the  
24 business in doing this, who told you that?

25 A He did.



1 MS. YUSI: Those are all of my questions.

2 THE WITNESS: Okay.

3 MS. YUSI: Anyone else?

4 MR. GRINDROD: This is Andrew Grindrod. I don't  
5 have anymore.

6 MR. GANTOUS: Anthony Gantous, no further questions.

7 MS. YUSI: Thank you.

8 THE VIDEOGRAPHER: This concludes the deposition on  
9 November 5th, 2021. We're off the record at 2:28 p.m.  
10 Master media will be held by Behmke Reporting and Video  
11 Services.

12 (Deposition concluded at 2:27 p.m.)

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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 )

4 I hereby certify that the witness in the  
5 forgoing deposition, SHARYON BEAN, was by me duly sworn to  
6 testify to the truth, the whole truth, and nothing but the  
7 truth, in the within-entitled cause; that said deposition  
8 was taken at the time and place herein named; and that the  
9 deposition is a true record of the witness's testimony as  
10 reported by me, a duly certified shorthand reporter and a  
11 disinterested person, and was thereafter transcribed into  
12 typewriting by computer.

13 I further certify that I am not interested  
14 in the outcome of the said action, nor connected with nor  
15 related to any of the parties in said action, nor to their  
16 respective counsel.

17 IN WITNESS WHEREOF, I have hereunto  
18 affixed my signature this 11th day of November, 2021.  
19 Reading and Signing was NOT REQUESTED.

20  
21   
22

23 HECTOR CONTRERAS, CSR  
24 Certified Shorthand Reporter #14051  
25